

LAW, CRIME, ETC.

THE HIGH COURT OF AUSTRALIA.

The Commonwealth Constitution (section 71) provides that the judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and to consist of a Chief Justice, and at least two other Justices. Power is also given to the Federal Parliament to create other Federal courts, or to invest other courts with Federal jurisdiction. Section 72 provides that the Justices shall be appointed by the Governor-General in Council, shall not be removed, except on an address from both Houses of Parliament in the same session, on the ground of proved misbehaviour or incapacity; and that the Parliament shall fix the remuneration, which shall not be diminished during their continuance in office. The High Court is invested by the Constitution with both original and appellate jurisdiction. Section 73 provides that the High Court shall have jurisdiction to hear and determine appeals from all judgments, decrees, orders, and sentences of any Justice exercising the original jurisdiction of the court, of any other Federal court, or of the Supreme, or any other court of a State, from which there was on 1st January, 1901, an appeal to the Privy Council; or on questions of law of the Inter-State Commission (when appointed). The Parliament may regulate the mode in which the jurisdiction may be exercised, and may limit the jurisdiction by excluding specified cases, or classes of cases from it; but no such regulation or exception shall prevent the High Court from hearing and determining any appeal which could on 1st January, 1901, be heard by the Privy Council. Section 74 provides that there shall be no appeal to the Privy Council "from a decision of the High Court upon any question, howsoever arising, as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by His Majesty in Council." It is, however, provided that the "Constitution shall not impair any right which the King may be pleased to exercise by virtue of His Royal prerogative to grant special leave of appeal from the High Court to His Majesty in Council"; but the Parliament may limit the matters in respect of which leave may be asked, and a Bill containing any such limitation

shall be reserved by the Governor-General for the Royal pleasure. Section 73 provides that the judgment of the High Court, in its appellate jurisdiction, shall be final and conclusive; but it would appear that this is qualified by the above provision, preserving the right of appeal from such a judgment in special cases. By section 75, the High Court is invested with original jurisdiction in all matters arising under any treaty; affecting consuls or other representatives of other countries; in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party; between States, or between residents of different States, or between a State and a resident of another State; or in which a mandamus prohibition or injunction is sought against an officer of the Commonwealth. By sections 76, 77, and 78, the Parliament is empowered to confer additional original jurisdiction on the High Court in any matter arising under the Constitution, or involving its interpretation, or under any laws made by the Parliament; of admiralty and maritime jurisdiction; or relating to the same subject-matter claimed under the laws of different States; to define the jurisdiction of any Federal court other than the High Court, and the extent to which such jurisdiction shall be exclusive of that which belongs to or is invested in the courts of the States; to invest any court of a State with Federal jurisdiction; and to confer "rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power." By section 79 the Parliament may prescribe the number of Judges by whom the Federal jurisdiction of any court may be exercised; and section 80 provides for trial by jury of any offence against any law of the Commonwealth, and for the venue of the trial.

*Common-
wealth
Judiciary
Act 1903.*

In pursuance of the powers conferred upon it by the Constitution, and within the limits thereof specified therein, the Commonwealth Parliament passed a Judiciary Act, which was assented to on 25th August, 1903. The High Court consists of a Chief Justice and two other Justices; and its principal seat is at the seat of Government, where there shall be the principal registry of the court. District registries in each other State are also provided for, and peripatetic sittings are to be held when required. Chamber business may be dealt with by a single Justice of the High Court, or (except in matters within the exclusive jurisdiction of the High Court) by a single Judge in Chambers of the Supreme Court of a State. A Full Court, consisting of any two or more Justices of the High Court, sitting together, may hear and determine any case or question referred by, and appeals from judgments of, any such single Justice or Judge; appeals from judgments of any other court exercising Federal jurisdiction, or of the Inter-State Commission; applications for a new trial; and applications for leave or special leave to appeal to the High Court from a judgment of the Supreme Court of a State, or of any other court of a State from which, at the establishment of the Commonwealth, an appeal lay to the Privy Council. The jurisdiction of the High Court to hear and determine these appeals and applications for a certificate that a question, decided

by the High Court, as to the constitutional powers of the Commonwealth and a State, is one which ought to be determined by the Privy Council, shall be exercised by a Full Court consisting of the three Justices.

Appeals on matters in respect of which an appeal lay to the Privy Council at the establishment of the Commonwealth, are to be heard before a Full Court, consisting of three Justices; and also applications for a certificate that a question, decided by the High Court, as to the constitutional powers of the Commonwealth and a State is one which ought to be determined by the Privy Council. The following matters are to be heard before a Full Court, consisting of two or more Justices:—Applications for leave, or special leave of appeal; cases or questions referred by a single Judge; appeals from a single Judge, or from other courts exercising Federal jurisdiction; appeals on questions of law from the Inter-State Commission; and applications for a new trial.

In addition to the original jurisdiction conferred by section 75 of the Constitution, previously mentioned, the High Court is, by section 30 of the Judiciary Act, invested with original jurisdiction in all matters arising under the Constitution, or involving its interpretation; and by section 33 is empowered to make orders or issue writs of mandamus and prohibition in certain cases. Part V. of the Act limits and defines the appellate jurisdiction; Part VI. defines the matters in which the jurisdiction of the High Court is exclusive; Part VII. deals with the removal of causes arising under the Constitution, and pending in any State court on appeal, to the High Court; Part VIII. treats of the members and officers of the High Court; Part IX. of suits by and against the Commonwealth and the States; Part X. of criminal jurisdiction, and Part XI. contains supplementary provisions, dealing with appearance of parties, application of laws, venue, and rules of court.

THE LEGAL SYSTEM IN VICTORIA.

The law of Victoria, in its basic principles and main provisions, is founded on the law of England. All laws in force in England in 1828 were, so far as they should be held to apply to the circumstances of Australia, by Imperial Statute made law in New South Wales (which then included Victoria); and in case of any doubt as to the applicability, the Colonial Legislature was empowered to declare whether or not they did apply, or to establish any modification or limitation of them within the colony. The same Statute established a Legislature within New South Wales with power to make laws for that colony; and Supreme and other courts were established. On the separation of Port Phillip from New South Wales in 1851, the new colony of Victoria was invested with similar powers, which were widened on the establishment of responsible government in 1855. In order, therefore, to ascertain the law of Victoria as to any particular matter or point, considerable research is often involved. The first step is a search of the Victorian Statutes; and if the matter is fully dealt with there, the labour is concluded; but, if it has

never been dealt with by any Victorian Act, recourse must be had to the Statutes of New South Wales, and the Imperial Statutes specially applicable to New South Wales passed between 1828 and 1851. If no law on the point is obtainable from these sources, the law of England in 1828 must be ascertained, which in most cases is found in the English text-books. Having found the apparent law from either of these sources, it is still necessary to search through series of law reports for decisions which may either modify or interpret same.

LITIGATION AND LEGAL BUSINESS.

Supreme
Court civil
business.

The Supreme Court of Victoria was first established in 1852, and its constitution and powers remain substantially unaltered by recent legislation, although the procedure has been entirely remoulded by the "Judicature Act of 1883." There were in 1905, five judges, viz., a Chief Justice and four Puisne Judges.

The following is a statement of Supreme Court business during 1891, 1895, and the last five years:—

SUPREME COURT CIVIL CASES, 1891 TO 1905.

Year.	Writs of Summons.		Causes Entered for Trial.	Causes Tried.	Verdicts for—		Amount Awarded.
	Number Issued.	Amount Claimed.			Plaintiff.	Defendant.	
		£					£
1891 ..	5,744	304,377	479	247	119	64	57,713
1895 ..	2,115	140,292	254	187	101	33	41,487
1901 ..	823	69,788	156	97	38	20	4,640
1902 ..	844	109,012	191	101	52	16	6,717
1903 ..	770	148,516	172	122	54	40	11,135
1904 ..	767	129,361	159	98	36	19	5,513
1905 ..	623	88,079	117	96	21	9	3,986

Decline in
litigation

The decline in litigation in the Supreme Court since 1891, to which attention was directed in previous issues of this work, still continues. In 1905, the writs issued were less than one-ninth; the amount sued for was nearly one-third; and the causes which actually came to trial were only about two-fifths of the number in 1891. Notwithstanding the decrease in litigation, the census of 1901 showed the number of barristers and solicitors as 820, an increase of 90 over the number as shown at the previous census of 1891. The figures show that a very small proportion of writs result in actual trials, whilst a large number of trials are either abandoned before a verdict is given, postponed to the following year, or compromised.

County
Courts
business.

County Courts have a jurisdiction both in equity and common law cases, limited to £500; and to try cases remitted by the Supreme Court. The cause of action must have arisen within 100 miles of the court in which proceedings are taken, which court must not be more than ten miles further away from defendant's residence than some other County Court in which the plaintiff might have sued. In 1905, there were 109 sessions lasting 344 days held in 45 places.

Particulars of litigation in 1891, 1895, and the last five years are as follow:—

COUNTY COURT CASES, 1891 TO 1905.

Year.	Number of Cases tried.	Amount sued for.	Amount awarded.	Costs awarded to—	
				Plaintiff.	Defendant.
		£	£	£	£
1891	9,947	293,073	115,199	14,006	7,263
1895	1,361	219,285	73,091	7,256	5,514
1901	572	137,227	43,222	5,012	4,143
1902	622	169,968	52,202	5,662	2,331
1903	584	126,670	42,004	3,923	2,923
1904	553	144,405	52,059	4,612	2,644
1905	582	145,884	47,481	4,096	2,383

The number of cases tried continues below the average of ten years ago. The number in 1905 was less than in any preceding year, except 1901 and 1904, and only one-seventeenth of that in 1891; but the amount sued for and awarded, and costs awarded, have not fallen off to anything like the same extent. This would seem to indicate that litigants are much more cautious in instituting proceedings than formerly; and that the County Court is not resorted to for the recovery of petty and trade debts to the same extent as in former years.

Courts of Petty Sessions were held at 233 places in Victoria in 1905 by stipendiary magistrates and honorary justices. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates; but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction is limited to what may be called ordinary debts, damages for assault, or restitution of goods, where the amount in dispute does not exceed £50. Particulars of such cases heard during a series of years are as follow:—

COURTS OF PETTY SESSIONS: CIVIL CASES, 1891 TO 1905.

Year.	Cases heard.	Amount claimed.	Amount awarded.
		£	£
1891	33,030	210,255	144,158
1895	30,609	168,143	138,722
1901	17,646	104,884	86,199
1902	20,421	116,936	96,166
1903	22,012	126,051	107,502
1904	22,046	133,560	116,757
1905	26,393	142,673	121,525

In addition to the ordinary civil cases above mentioned, and to the criminal jurisdiction hereinafter mentioned, Courts of Petty Sessions deal with other business of a civil and quasi-criminal nature.

During the year 1905, 676 appeals against municipal ratings, 780 maintenance cases, 533 fraud summonses against debtors, 10,922 electoral revision cases, 5,657 licences and certificates, and 1,226 miscellaneous cases were heard, and 510 persons alleged to be lunatics were examined. There has been a large decrease in the civil cases heard before magistrates and in the aggregate amount claimed and awarded since 1891; but since 1900 there has been an increase under each of the three headings.

As compared with 1904, there has been a small increase in the number of probates and letters of administration issued, and in the value of property devised and bequeathed. There must, however, naturally be large differences in the aggregate value of property left in different years on account of the falling in of one or several very large estates during certain years. This matter is dealt with more fully over a long series of years in part "Accumulation" of this work. The following information is furnished for the last five years:—

PROBATES AND LETTERS OF ADMINISTRATION: RETURN FOR FIVE YEARS.

Year.	Probates.		Letters of Administration.		Both.	
	Number.	Property sworn under—	Number.	Property sworn under—	Number.	Property sworn under—
		£		£		£
1901 ...	2,509	5,596,261	1,337	930,974	3,846	6,527,235
1902 ...	2,590	6,483,077	1,386	1,088,405	3,976	7,571,482
1903 ...	2,527	5,239,913	1,357	834,164	3,884	6,074,077
1904 ...	2,533	5,224,103	1,294	537,981	3,827	5,762,084
1905 ...	2,810	5,444,796	1,043	558,682	3,853	6,003,478

INSOLVENCIES.

Prior to 1898, the returns of insolvencies were defective, inasmuch as private arrangements with creditors were not taken into account until that year. The number of failures and the declared assets and liabilities during the last five years were:—

INSOLVENCIES AND PRIVATE ARRANGEMENTS: RETURN FOR FIVE YEARS.

Year.	Insolvencies.			Private Arrangements.		
	Number.	Declared Liabilities.	Declared Assets.	Number.	Declared Liabilities.	Declared Assets.
		£	£		£	£
1901 ..	327	216,198	86,391	183	222,608	189,908
1902 ..	406	364,630	270,061	206	200,128	178,337
1903 ..	505	210,086	84,611	194	202,475	164,481
1904 ..	462	387,882	138,301	164	158,267	124,266
1905 ..	570	235,773	74,673	174	179,310	98,673

Probates
and letters
of adminis-
tration.

Insolven-
cies, &c.

The number of insolvencies was greater in 1905 than in any of the four preceding years, but the declared liabilities were smaller than in 1902 and 1904. Insolvencies are still much below the average of some years ago. Thus the average number during the last five years was 454, and the declared liabilities £282,914, whereas during the ten years, 1879 to 1888, the average yearly number was 612, with declared liabilities, £661,720. During the eleven years, 1889 to 1899, when the failures resulting from the financial crisis swelled the returns, the yearly average number was 790, with declared liabilities, £2,037,292.

In the following return will be found the occupations, in six classes, of those who became insolvent during the last five years, also the number of breadwinners in each class at the census of 1901, and the proportion of the former to the latter. The total number of insolvents does not include 162 whose occupations were not returned:—

OCCUPATIONS OF INSOLVENTS, 1901 TO 1905.

Occupation Groups.	Number of Breadwinners, Census, 1901.	Number of Insolvents, 1901 to 1905.	Proportion of Insolvents to every 1,000 Breadwinners.
Professional	35,224	192	5.45
Domestic	66,815	155	2.32
Commercial	79,048	864	10.93
Transport and Communication	31,516	280	8.88
Industrial	146,233	1,000	6.84
Primary Producers ..	165,147	538	3.26
Total	523,983*	3,029	5.78

* Exclusive of 10,066 persons of independent means.

As might be expected, fewer breadwinners of the domestic and primary producing classes become insolvent than those of other classes, in proportion to their numbers in the community, whilst a greater proportion of the commercial than any other class find it necessary to file their schedules or compound with their creditors.

The following figures show the results for five years, 1901 to 1905:—

Occupation Groups.	Number of Insolvents during—				
	1901.	1902.	1903.	1904.	1905.
Professional	42	43	35	29	43
Domestic	35	40	26	24	30
Commercial	155	176	186	175	172
Transport and Communication	41	69	71	44	55
Industrial	145	172	201	210	272
Primary Producers ..	72	87	134	114	131
Indefinite	20	25	46	30	41
Total	510	612	699	626	744

Insolvency
in Australia
and New
Zealand.

The number of insolvencies by way of sequestration of the estate of the debtor, distinguishing between voluntary and compulsory, also the declared liabilities and assets, are appended. Besides these insolvencies there are a number of liquidations in Queensland, and large numbers of private arrangements with creditors, which are virtually insolvencies, and are only recorded in Victoria and South Australia, but are not included in any case in the following table:—

INSOLVENCIES IN AUSTRALIAN STATES AND NEW ZEALAND, 1904.

State.	Number of Petitions.			Total Liabilities.	Total Assets.
	Compulsory.	Voluntary.	Total.		
				£	£
Victoria	26	436	462	387,882	138,301
New South Wales ..	139	352	491	440,063	252,293
Queensland	23	300	323	93,235	19,885
South Australia ..	14	9	23	34,370	12,509
Western Australia ..	27	74	101	62,487	13,882
Tasmania	11	91	102	32,862	14,393
 Australia	 240	 1,262	 1,502	 1,050,899	 451,263
New Zealand	40	217	257	130,911	86,094

New South Wales heads the list in respect to the total amount of declared assets and liabilities; but no comparison of any value can be made on the above figures on account of the partial character of the returns.

DIVORCE.

Divorce, &c.

Under the Divorce and Matrimonial Causes Act, passed in 1861, a petition might be presented to the Supreme Court (a) by a husband praying that his marriage might be dissolved, on the ground that his wife had, since the celebration thereof, been guilty of adultery; (b) by a wife praying that her marriage might be dissolved on the ground that since the celebration thereof, her husband had been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or bestiality, or of adultery, coupled with cruelty, or of adultery, coupled with desertion without reasonable excuse for two years.

Judicial separation was obtainable either by husband or wife on the ground of adultery, or cruelty, or of desertion, without cause for a period of two years.

The Divorce Act 1889 extended the grounds upon which divorces might be granted, those added being as follows:—

- (a) That the respondent has, without just cause or excuse, wilfully deserted the petitioner, and, without any such cause or excuse, left him or her continuously so deserted during three years and upwards.

- (b) That the respondent has, during three years and upwards, been an habitual drunkard, and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them.
- (c) That at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime, or under sentence to penal servitude for seven years or upwards, or, being a husband, has within five years undergone frequent convictions, and been sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without means of support.
- (d) That within one year previously the respondent has been convicted of having attempted to murder the petitioner, or of having assaulted him or her with intent to inflict grievous bodily harm, or on the ground that the respondent has repeatedly during that period assaulted and cruelly beaten the petitioner.
- (e) That the respondent, being a husband, has since the celebration of his marriage and the date of this Act been guilty of adultery in the conjugal residence, or coupled with circumstances or conduct of aggravation or of a repeated act of adultery.

The Act further provides for simplifying and cheapening the mode of procedure, for the hearing and trying of suits in private at the discretion of the court, for prohibiting the publication of evidence, for the intervention of the Attorney-General where collusion is suspected, and for the abolition of applications or decrees for the restoration of conjugal rights. The Act can only be taken advantage of by persons domiciled in the State for at least two years. The number of petitions and decrees for dissolution of marriage and judicial separation during the last five years were as follow:—

DIVORCES AND JUDICIAL SEPARATIONS: RETURN FOR FIVE YEARS.

Year.	Petitions for—		Decrees for—	
	Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.
1901	148	2	83	...
1902	157	...	109	...
1903	199	1	101	...
1904	175	3	140	1
1905	180	3	128	1

Since jurisdiction was first conferred upon the Supreme Court of Victoria in matters matrimonial in 1861, 1,858 decrees for dissolution of marriage, and 87 decrees for judicial separation have been granted. Of these, 1,510 and 16 respectively were granted since 1890; that is, during the 30 years ended 1890 only 348 decrees for dissolution of marriage were issued, and 71 for judicial separation, or an average per annum of about twelve of the former and two of the latter; whereas, since the Divorce Act of 1889 received the Royal Assent in 1890 no less than 101 decrees per annum for dissolution of marriage were granted, but the decrees for judicial separation have decreased to about one per annum.

The following were the petitions and decrees for divorce in the Australian States and New Zealand during 1904, also the divorces per 10,000 married couples living:—

DIVORCES IN AUSTRALIAN STATES AND NEW ZEALAND, 1904.

State.	Petitions for—		Decrees for—		Divorces per 10,000 Married Couples.
	Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
Victoria	175	3	140	1	7·81
New South Wales	278	20	214	8	10·83
Queensland	11	3	13	1	1·94
South Australia	13	...	4	...	·73
Western Australia	20	...	16	...	5·40
Tasmania	7	1	1	...	·35
New Zealand	156	6	111	2	9·54

The grounds of divorce are now substantially the same in Victoria and New South Wales, and were extended in New Zealand in 1898. The extension of the grounds upon which divorce may be obtained has had in New South Wales and New Zealand, as in Victoria, the effect of greatly increasing the number of petitions and decrees.

CRIME.

ADMINISTRATION OF THE CRIMINAL LAW.

In nearly all cases where the criminal law has been broken, the alleged offender is brought at the very first opportunity before a Court of Petty Sessions, before two honorary justices or a police magistrate, or both, or in some cases a single magistrate, who, if the matter is one which comes within their summary jurisdiction, dispose of the case summarily. If the offence is an indictable one, the magistrates hold a preliminary investigation and, if satisfied that a *prima facie* case is made out by the prosecution, the accused is committed for trial to a superior court. There are two superior courts with criminal jurisdiction, viz., the Supreme Court, and a Court of General

Sessions, which are held at various places throughout the State. The latter court may deal with all cases of a criminal nature except such as are expressly excluded from its jurisdiction, viz., nineteen of the most serious crimes. A person may be brought before magistrates by three modes of procedure, viz., by an arrest by a police officer on warrant issued on a sworn information, or without an information if the offence is witnessed by the arresting constable; by private summons; and by a police summons. If at a coroner's inquest a verdict is returned for murder or manslaughter, the accused person is sent for trial to the Supreme Court without any investigation before magistrates. The Attorney-General or Solicitor-General has also the power of presenting any person for trial before a superior court without the necessity of any preliminary magisterial hearing; and upon the application of any person, properly supported by affidavit, a grand jury may be summoned, on the order of the Full Court, if the affidavit discloses that an indictable offence has been committed by a corporate body; or that such an offence has been committed by any person, and that some justice has refused to commit such person for trial. The grand jury consists of twenty-three men, who investigate the charge, and if they are of opinion that a *prima facie* case has been made out, the case is sent for trial. The cases which are presented under these two latter forms of procedure, are, however, very rare.

POLICE PROTECTION.

The following figures denote the numerical strength of the police force in Australia and New Zealand, and the proportion of same to population on the 31st December, 1905:—

Strength of
police force
in Australia
and New
Zealand.

POLICE IN AUSTRALIAN STATES AND NEW ZEALAND, 1905.

State.	Number.			Proportion per 10,000 of Population.
	Metropolitan.	Country.	Total.	
Victoria	824	671	1,495	12·27
New South Wales	973	1,369	2,342	15·70
Queensland	260	651	911	17·25
South Australia	230	158	388	10·26
Western Australia	140	349	489	19·18
Tasmania	74	158	232	12·81
Total Australia	2,501	3,356	5,857	14·45
New Zealand	78	578	656	7·43

It will be seen that Western Australia has the greatest police protection in proportion to population, Queensland and New South Wales next, New Zealand having by far the lowest. Of course, where the population is scattered, it is natural that more police in proportion to population will be required than in a densely populated centre where the area requiring protection is comparatively small.

CHARGES BEFORE MAGISTRATES.

Offences
reported
and unde-
tected
crimes.

Of the offenders who are reported as having committed offences, generally about 50 per cent. are arrested, 40 per cent. are summoned, whilst about 10 per cent. have not been arrested at the end of the year in which the offence was reported, but in 1905 the rates were 49, 41, and 10 per cent. respectively. The following are particulars for the last five years:—

SUMMONSES, ARRESTS, AND UNDETECTED CRIMES: RETURN FOR FIVE YEARS.

Offences in respect to which persons were—	1901.	1902.	1903.	1904.	1905.
Brought before magistrates on summons ...	21,130	20,478	24,207	23,614	22,290
Arrested by the police ...	30,957	26,402	24,268	26,036	26,055
Not arrested ...	6,472	6,153	6,593	5,533	5,144
Total ...	58,559	53,033	55,068	55,183	53,489

In this table each separate charge against a person is considered as a separate offence; for instance, a charge of drunk and disorderly, of resisting the police, of riotous conduct, and of tearing uniform would appear as four separate offences, although the occasion is the same. Of the offences in respect of which persons were not arrested, 92 per cent. were offences against property, 3 per cent. were offences against the person, and the balance, 5 per cent., were of a miscellaneous character.

Offences
dealt with
by magis-
trates.

The following are particulars of cases brought before magistrates, from which it will be seen that about 75 per cent. are generally summarily convicted, 24 per cent. discharged, whilst 1 per cent. are sent for trial by superior courts:—

ARRESTS AND SUMMONSES DEALT WITH BY MAGISTRATES: RETURN FOR FIVE YEARS.

Number of Persons.	1901.	1902.	1903.	1904.	1905.
Arrested or summoned ...	50,169	45,198	46,682	47,736	46,069
Discharged by magistrates ...	12,564	11,096	10,020	11,318	11,283
Summarily convicted or dealt with ...	36,905	33,461	36,031	35,854	34,134
Committed for trial ...	700	641	631	564	652

In regard to persons arrested included in these figures, minor charges are excluded, and only that charge which throughout the hearing of the case has been most prominent is taken account of; but in regard to summons cases, the unit is each separate charge or case.

The sexes of persons brought up on summons are not recorded ; but about 20 per cent. of the arrests are generally found to be females. The males and females arrested, and the disposal of the cases, in 1905, were as follow :—

MALES AND FEMALES ARRESTED, 1905.

Disposal.	Arrests:		
	Males.	Females.	Total.
Summarily Convicted	12,996	2,950	15,946
Discharged by Magistrates	6,045	1,189	7,234
Committed for Trial	537	62	599
Total	19,578	4,201	23,779

The arrests during the previous five years numbered 27,107 in 1900, 29,039 in 1901, 24,720 in 1902, 22,475 in 1903, and 24,122 in 1904.

DRUNKENNESS.

The following are the number, and proportion per 1,000 of the population, of persons arrested for drunkenness during the last five years. Summons cases for drunkenness are not included prior to 1902, but the number of such cases is inconsiderable, being only 85 in 1905 :—

ARRESTS FOR DRUNKENNESS : RETURN FOR FIVE YEARS.

Year.	Number.	Proportion per 1,000 of Population.
1901	17,360	14·43
1902	14,540	12·00
1903	12,630	10·45
1904	13,881	11·50
1905	14,458	11·92

The amount of drunkenness, as evidenced by arrests, being taken as 100 in 1874-8, the numbers for the subsequent periods will show the increase or decrease by comparison :—

Period.	Index Number.			
1874-8	Average 5 years	...	...	100
1879-85	" 7 "	...	...	88
1886-92	" 7 "	...	...	106
1893-97	" 5 "	...	...	65
1898-1902	" 5 "	...	...	83
1903 ...	...	...	...	73
1904 ...	...	...	...	79
1905 ...	...	...	...	81

A very considerable decrease in drunkenness is shown during the five years 1893-7, which was a period of general depression. Since

Males and females arrested.

Arrests for drunkenness, 1901 to 1905.

Drunkenness—Comparison with previous years.

1897, however, the arrests for drunkenness have assumed something nearer their normal proportions.

DECREASE IN CRIME.

Decrease of
crime in
Victoria.

It is difficult to make a proper comparison of crime in recent years with former periods on account of the differences in the sex and age constitution of the people at different periods. The bulk of arrests consists of males from 20 to 50 years of age. The proportion of women and children arrested is comparatively very small; so that it is natural that, at a period like the present, when the percentage of males at those ages is much less than ten years ago, the proportion of arrests per 10,000 of the population is not a true index of crime, and makes the decrease appear greater than it really is. It is therefore necessary to divide the sexes of arrested persons, and each sex into age groups, and to show the number of charges laid against males and females at various ages between 10 and 60 per 10,000 alive at each age, as shown by the census. The following are the particulars on this basis at the last four census years:—

CHARGES PER 10,000 ALIVE AT EACH AGE AGAINST PERSONS ARRESTED, 1871, 1881, 1891, AND 1901.

Ages.				1871.	1881	1891.	1901.
				Males.			
10 to 15 years	..	..	..	104	111	96	51
15 to 20 years	..	..	..	338	335	305	209
20 to 25 years	..	..	..	773	720	688	570
25 to 30 years	..	..	..	834	823	777	712
30 to 40 years	..	..	..	771	865	869	700
40 to 50 years	..	..	..	726	721	1,053	873
50 to 60 years	..	..	..	830	623	760	804
60 years and over	..	..	..	756	661	586	443
				Females.			
10 to 15 years	..	..	..	37	26	15	15
15 to 20 years	..	..	..	80	90	50	28
20 to 25 years	..	..	..	141	178	139	116
25 to 30 years	..	..	..	232	219	171	172
30 to 40 years	..	..	..	303	290	189	168
40 to 50 years	..	..	..	272	322	238	166
50 to 60 years	..	..	..	245	223	215	116
60 years and over	..	..	..	186	166	144	110

During the years 1871, 1881, and 1891, the tabulations were based on each separate charge against arrested persons, and in 1901 on each separate arrest, only the most prominent charge being counted in the latter year. The percentage by which the total charges exceeded the arrests during 1901, has, however, been added on to the

figures for each age group for the purpose of comparison. A study of the figures shows that the proportion of offences has on the whole fallen off in 1901 as compared with the three previous periods. In regard to males, there has been a falling off in 1901 as compared with the three previous periods at all ages except 40 to 50, in which the proportions were higher than in 1881 and 1871, and 50 to 60, in which group the proportion of charges was in excess of that in 1891 and 1881. The falling off is more marked amongst the very old people (60 years and over) and the young people under 20, than at other ages. The ages at which the largest proportion of charges was made were 40 to 50 years in 1901 and 1891, 30 to 40 years in 1881, and 25 to 30 and 50 to 60 years in 1871. In regard to females there has been a very decided falling off at all ages, the ages at which the largest proportion of charges were made being 25 to 50 in 1901, 40 to 60 in 1891, and 30 to 50 in 1881 and 1871.

CRIME AND DRUNKENNESS IN AUSTRALASIA.

A scientific comparison of crime cannot be made between different States or countries unless several considerations are taken into account. The first point necessary is that the criminal law, in the places compared, should be substantially the same; the second, that it should be administered with equal strictness; and the third, that proper allowances are made for differences in the age and sex constitution of the population. As previously pointed out, the latter consideration is one that must also be taken into account in comparing crime in recent years with previous periods when the population was very differently constituted in regard to sex and age. The returns of the States and New Zealand do not afford sufficient data to allow for these differences; but in regard to the first two points above mentioned the basis and main provisions of the criminal law are the same in each State; and it must be presumed, in the absence of any evidence to the contrary, that the law is administered with equal strictness in each State. The following table shows, for a series of years, the number of charges against persons arrested or summoned for the only four classes of offences for which complete comparisons can be made:—

Offences and drunkenness in Australia and New Zealand.

CRIME IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895, AND 1901 TO 1904.

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
Victoria	1890	4,091	5,036	18,501	37,156	64,784
	1895	2,500	4,068	11,143	22,616	40,327
	1901	2,152	3,521	17,360	29,054	52,087
	1902	2,121	3,882	14,540	26,337	46,880
	1903	1,936	3,968	12,630	29,941	48,475
	1904	1,846	3,257	13,881	30,666	49,650

CRIME IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895,
AND 1901 TO 1904—*continued.*

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
New South Wales	1890	8,729	7,616	18,654	31,088	66,087
	1895	4,459	6,153	18,379	35,987	64,978
	1901	4,336	6,437	21,123	32,729	64,625
	1902	4,223	7,292	21,577	33,608	66,700
	1903	3,869	7,368	21,837	35,032	68,106
	1904	3,658	6,829	20,440	35,110	66,037
Queensland	1890	2,713	2,487	6,332	7,464	18,996
	1895	2,073	2,085	4,993	8,522	17,673
	1901	1,846	2,547	9,791	9,736	23,920
	1902	1,908	2,375	8,123	8,709	21,115
	1903	1,504	2,206	7,190	8,112	19,012
	1904	1,641	1,989	6,854	7,649	18,133
South Australia	1890	520	501	2,382	3,596	6,999
	1895	411	677	1,763	2,128	4,979
	1901	260	528	2,047	3,392	6,227
	1902	252	509	2,431	3,416	6,608
	1903	338	664	2,340	3,088	6,430
	1904	269	480	2,387	2,879	6,015
Western Australia	1890	371	536	1,181	2,602	4,690
	1895	634	1,080	2,154	4,489	8,377
	1901	1,040	1,593	3,348	9,352	15,333
	1902	845	1,889	3,311	10,398	16,443
	1903	797	2,146	3,572	10,690	17,205
	1904	729	1,423	3,597	9,191	14,940
Tasmania	1890	483	619	1,151	4,158	6,411
	1895	353	710	463	3,240	4,766
	1901	341	647	743	3,768	5,499
	1902	248	618	636	4,669	6,171
	1903	284	553	526	4,612	5,975
	1904	245	639	580	5,452	6,916
Total Australian States	1890	16,907	16,795	48,201	86,064	167,967
	1895	10,450	14,773	38,895	76,982	141,100
	1901	9,975	15,273	54,412	88,031	167,691
	1902	9,597	16,565	50,618	87,137	163,917
	1903	8,728	16,905	48,095	91,475	165,203
	1904	8,388	14,617	47,739	90,947	161,691
New Zealand	1890	1,516	2,297	5,830	8,604	18,247
	1895	1,281	2,557	5,104	8,639	17,581
	1901	1,586	3,048	8,086	13,105	25,825
	1902	1,114	3,083	8,311	15,568	28,076
	1903	1,303	3,138	8,872	17,440	30,753
	1904	1,504	2,884	9,626	16,920	30,934

The following table shows the number of charges laid against persons arrested or summoned per 1,000 of the population in the Australian States and New Zealand during a series of years:—

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND NEW ZEALAND, 1890, 1895, AND 1901 TO 1904.

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.
Victoria ...	1890	3·66	4·50	16·54	33·22
	1895	2·12	3·45	9·44	19·17
	1901	1·79	2·93	14·43	24·15
	1902	1·75	3·21	12·00	21·75
	1903	1·60	3·28	10·45	24·77
	1904	1·53	2·70	11·50	25·40
New South Wales ...	1890	7·92	6·91	16·93	28·21
	1895	3·53	4·87	14·53	28·46
	1901	3·16	4·69	15·39	23·85
	1902	3·03	5·23	15·49	24·12
	1903	2·72	5·19	15·39	24·70
	1904	2·54	4·74	14·17	24·35
Queensland ...	1890	7·03	6·45	16·41	19·35
	1895	4·58	4·60	11·03	18·82
	1901	3·65	5·04	19·36	19·25
	1902	3·71	4·62	15·82	16·96
	1903	2·93	4·30	14·02	15·82
	1904	3·16	3·83	13·20	14·73
South Australia ...	1890	1·64	1·60	7·53	11·35
	1895	1·18	1·94	5·06	6·11
	1901	·72	1·46	5·65	9·37
	1902	·69	1·40	6·68	9·39
	1903	·92	1·81	6·39	8·42
	1904	·73	1·30	6·57	7·79
Western Australia ...	1890	8·28	11·97	26·37	58·09
	1895	7·06	11·66	23·25	48·45
	1901	5·51	8·45	17·75	49·59
	1902	4·08	9·12	15·98	50·20
	1903	3·60	9·70	16·14	48·31
	1904	3·08	6·02	15·21	38·86
Tasmania ...	1890	3·36	4·31	8·01	28·93
	1895	2·22	4·46	2·91	20·36
	1901	1·96	3·73	4·28	21·70
	1902	1·41	3·52	3·48	26·72
	1903	1·60	3·11	2·96	25·98
	1904	1·37	3·57	3·24	30·49

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH
AUSTRALIAN STATE AND NEW ZEALAND, 1890, 1895, AND 1901
TO 1904—*continued.*

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunken- ness.	Other Offences.
Australian States ..	1890	5·43	5·39	15·48	27·64
	1895	2·98	4·22	11·11	21·99
	1901	2·62	4·01	14·30	23·13
	1902	2·49	4·29	13·10	22·57
	1903	2·23	4·33	12·31	23·42
	1904	2·12	3·70	12·07	23·00
New Zealand ...	1890	2·44	3·70	9·39	13·86
	1895	1·85	3·71	7·37	12·48
	1901	2·04	3·92	10·39	16·85
	1902	1·40	3·86	10·42	19·51
	1903	1·59	3·83	10·82	21·26
	1904	1·78	3·41	11·39	20·02

Almost all serious crimes are either offences against the person or offences against property, the only serious crimes included under "Other Offences" being forgery, counterfeiting, and perjury, which are very few in number, being in Victoria in 1904, only 92 out of a total of 30,666 included under that category. A large proportion of these cases are merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct or intent on the part of the person charged. They also include a large number of offences against good order, including insulting behaviour, &c., vagrancy, and soliciting prostitution. Comparison between the States of "Other Offences" is not of much value, on account of the differences in the laws of the States in these matters, and on account of the large proportion of these offences which are not crimes, but mere breaches of various Acts and by-laws.

Offences against the person set out in the first column of the preceding table, consists mainly of assault, but include murder, manslaughter, shooting, wounding, and all crimes of lust. A glance at the figures shows that since 1890 there has been a very large decline in these crimes in every State in proportion to population. South Australia easily holds the pride of place in 1904, then comes Tasmania, closely followed by Victoria and New Zealand, then New South Wales, Western Australia, and Queensland in that order.

Offences
against the
person.

A decrease, as compared with 1890, will also be noticed in the proportion of offences against property in all the Australian States and New Zealand. The decrease in respect of these offences is, however, not nearly so marked as that in respect of offences against the person. Offences against property are far less rife in South Australia than in any other State or New Zealand, Victoria coming next, followed by New Zealand, Tasmania, Queensland, and New South Wales, in that order. These crimes are far more rife in Western Australia than in any other State, although the proportion in excess would be considerably reduced if allowance were made for the large proportion of adult males in the population of that State. Offences against property consist principally of larceny and similar offences; but include burglary, robbery, &c., cattle stealing, and wilful damage to property.

Offences
against
property

In every Australian State there was a decrease in drunkenness cases before magistrates in 1904, as compared with 1890; but an increase as compared with 1895 in every case except New South Wales and Western Australia. This offence is much less frequent in Tasmania than in any other State, South Australia coming next, and then following New Zealand, Victoria, Queensland, New South Wales, and Western Australia, in that order. If allowance were made for the large proportion of adult males in the latter State, Western Australia would now occupy a better position than Queensland or New South Wales, and would be about equal to Victoria. In the latter State summons cases for drunkenness were not included previous to 1902, but the number of such cases was so small that the comparison is not appreciably affected by their omission.

Drunken-
ness.

The following table shows during five years the average yearly consumption of intoxicating liquors in the principal countries of the world, the information for foreign countries having been compiled principally from a return prepared to the order of the British House of Commons, dated 3rd August, 1904.

Consump-
tion of
intoxicat-
ing liquors

AVERAGE CONSUMPTION OF SPIRITS, BEER, AND WINE IN AUSTRALIA AND NEW ZEALAND AND THE PRINCIPAL BRITISH POSSESSIONS AND FOREIGN COUNTRIES.

Countries.	Yearly Average Quantity Consumed, 1900 to 1904.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
British—						
Victoria ..	915,970	16,366,000	1,759,230	·76	13·6	1·46
New South Wales ..	1,338,590	14,550,980	1,038,820	·96	10·4	·74
Queensland ..	548,820	5,538,480	156,550	1·08	10·8	·81
South Australia ..	196,960	3,214,400	1,446,740	·54	8·9	4·00
Western Australia ..	319,920	5,211,290	209,120	1·56	25·5	1·02
Tasmania ..	93,090	1,615,220	23,600	·53	9·2	·16
Australia ..	3,413,350	46,496,370	4,639,060	·89	12·1	1·20
New Zealand ..	602,970	7,488,080	121,770	·71	8·9	·14

AVERAGE CONSUMPTION OF SPIRITS, BEER, AND WINE IN AUSTRALIA AND NEW ZEALAND AND THE PRINCIPAL BRITISH POSSESSIONS AND FOREIGN COUNTRIES—*continued.*

Countries.	Yearly Average Quantity Consumed, 1899 to 1903.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
British—						
United Kingdom	44,295,600	1,288,206,400	15,351,000	1·07	31·0	·37
Dominion of Canada	4,086,600	24,972,400	489,400	·76	4·6	·09
Natal ..	323,000	308,600	..	·35	·34	..
Newfoundland ..	64,750	68,250	6,975	·29	·31	·03
Foreign—						
Russian Empire ..	147,206,500	127,590,500	..	1·08	·93	..
Norway ..	1,636,800	9,517,200	..	·74	4·3	..
Sweden ..	9,319,200	65,587,500	..	1·82	12·7	..
Denmark ..	7,854,000	52,141,400	..	3·21	21·3	..
German Empire ..	106,172,000	1,528,450,000	72,969,000	1·88	26·7	1·27
Holland ..	9,253,200	..	1,975,600	1·77	..	·37
Belgium ..	12,364,000	323,576,000	6,881,600	1·83	47·6	1·01
France ..	66,114,400	205,353,500	1,173,924,400	1·72	5·3	30·2
Switzerland ..	..	46,766,500	54,785,500	..	14·3	16·2
Portugal ..	..	..	95,704,400	..	..	18·3
Spain ..	..	..	353,918,000	..	..	19·0
Italy ..	8,764,800	4,844,400	796,136,000	·27	·15	24·2
Austria ..	67,980,000	414,969,500	116,424,000	2·58	15·7	4·4
Hungary ..	39,292,000	33,228,800	60,614,400	1·98	1·7	3·1
Bulgaria ..	770,000	985,600	49,900,000	·21	·27	13·2
Roumania ..	5,192,000	1,331,000	41,130,000	·85	·22	6·9
United States ..	88,514,750	1,106,120,500	30,757,000	1·13	14·1	·39

NOTE.—Where blanks occur the information is not available.

Consumption of drink in various countries compared.

By comparing the figures for Australia in the foregoing table with those of several other countries it will be seen that the consumption of intoxicants was proportionately less in Australia. As regards spirits, whilst the consumption in Australia was less than a gallon per head per year, in Denmark it amounted to over 3 gallons; in Austria to $2\frac{1}{2}$ gallons; in Germany, France, Holland, Belgium, Hungary, and Sweden to nearly 2 gallons; and in the United Kingdom, Russia, and the United States to more than 1 gallon. The greatest beer-producing countries of the world are the German Empire, the United Kingdom, and the United States, in that order; but in consumption per head of the population Belgium, with more than 47 gallons; United Kingdom, 31 gallons; Germany, 27 gallons; and Denmark, 21 gallons, are the foremost. The particulars in this table would indicate that Belgium consumes more beer than any other country in the world, but the statistics of the States composing the German Empire show that Bavaria is entitled to that distinction, with a consumption of more than 51 gallons per head. The consumption in Württemberg was also high, reaching 40 gallons, and in Baden about 35 gallons per head. The Australian consumption of 12 gallons does not appear to be large by comparison with these figures, Western Australia, with 25 gallons per head, being the only State in which the consumption approaches

these countries. The chief wine-producing countries of the world—France and Italy—are also the greatest consumers, the former consuming 30 gallons, and the latter 24 gallons per head. Spain, 19 gallons; Portugal, 18 gallons; Switzerland, 16 gallons; and Bulgaria, 13 gallons, are also large consumers. The inhabitants of the British Empire are small wine-drinkers. At the Cape of Good Hope the consumption is highest, with between 2 and 3 gallons per head, though the figures are not available for recent years; Australia consumes a little over a gallon per head; the United Kingdom about one-third of a gallon; and Canada less than one-tenth of a gallon.

With the assistance of the figures in the preceding table, it is not a very difficult matter to estimate for Australia, with some degree of accuracy, the approximate expenditure of the people on intoxicating liquors. Assuming that three-fourths of the spirits are consumed in hotels and clubs, and the balance privately, it would appear that each gallon of spirits costs the consumer 35s. It is estimated, allowing for imported ale and stout, that 3s. is paid for every gallon of beer consumed; and that 10s. per gallon is a fair average for wine, assuming that half is consumed in hotels, clubs, and saloons, and half privately, and allowing for imported champagnes and other wines.

Expenditure by the people on intoxicating liquor.

The following table shows the approximate amount spent by the people on spirits, beer, and wine during an average year, the figures being based on the average quantity consumed during the five years, 1900 to 1904. The amount per head of population and per adult individual 21 years of age and over is also shown:—

AUSTRALASIAN DRINK BILL.—YEARLY AVERAGE, 1900 TO 1904.

State of—	Expenditure by the People on—					
	Spirits.	Beer.	Wine.	Total.		
				Amount.	Per Head.	Per Adult Individual
	£	£	£	£	£ s. d.	£ s. d.
Victoria	1,602,950	2,454,900	879,620	4,937,470	4 2 0	7 11 3
New South Wales ..	2,342,530	2,182,650	519,410	5,044,590	3 12 2	6 19 7
Queensland	960,480	830,770	78,270	1,869,470	3 13 4	7 1 2
South Australia ..	344,680	482,160	723,370	1,550,210	4 5 9	8 7 5
Western Australia ..	559,860	781,690	104,560	1,446,110	7 1 5	11 7 0
Tasmania	162,910	242,280	14,300	419,490	2 7 7	4 15 1
Australia	5,973,360	6,974,450	2,319,530	15,267,340	3 19 2	7 9 7
Colony of New Zealand	1,055,200	1,123,210	60,880	2,239,290	2 13 1	4 19 1

These figures show that the average yearly expenditure on drink in Australia during the quinquennium, 1900 to 1904, amounted to over 15 millions sterling, and including New Zealand, to 17½ millions. In Victoria nearly 5 millions were spent, or £107,000 less than in New South Wales. Western Australia, according to population, stands at the head of the list with £7 per unit, and this is accounted for by the large adult population resident there. South Australia and Victoria are next with over £4 per head. Tasmania is the most

temperate of the Australian States, the consumption of alcoholic liquors only entailing a yearly expense of £2 7s. per head of the population, as against an average for the Commonwealth of £3 19s. In New Zealand also the expenditure is comparatively low, amounting to £2 13s. per head.

It has been claimed on behalf of New South Wales as a reason why cases of drunkenness are more frequent in that State than in Victoria that in the latter State drunkenness itself is no crime, but must be allied with disorderly conduct before the person may be punished. This statement is incorrect, for Section 153 of the *Licensing Act* 1890 (No. 1111) provides that: "Every person found drunk in any highway or other public place, whether a building or not, or on any licensed victualler's premises, may be taken into custody by the police, and shall be liable to a penalty not exceeding Ten shillings, &c." It is true that nearly all of the cases of drunkenness are brought under the "Police Offences Act"; but the degree of disorderly conduct required is very slight, the mere fact of a person being so drunk as to be a nuisance or dangerous to himself or others being sufficient. If any doubt arises as to whether the accused is disorderly within the meaning of the section the charge is laid under the section of the *Licensing Act* mentioned above; but such cases are comparatively few.

Drunkenness in Victoria and New South Wales.

Leniency of magistrates in drunkenness cases in Victoria.

The following is a statement of the number of charges of drunkenness made against persons in each State and in New Zealand during 1904, also the number of convictions, and the percentage of the latter to the former:—

PERCENTAGE OF CONVICTIONS FOR DRUNKENNESS IN AUSTRALIAN STATES AND NEW ZEALAND, 1904.

State.	Charges of Drunkenness.	Convictions.	
		Total.	Percentage of Charges.
Victoria	13,881	9,281	66·87
New South Wales	20,440	20,314	99·38
Queensland	6,854	6,827	99·61
South Australia	2,387	2,352	98·53
Western Australia	3,597	3,531	98·17
Tasmania	580	556	95·86
Australia	47,739	42,861	89·78
New Zealand	9,626	9,566	99·38
Australasia	57,365	52,427	91·39

It will be seen from the last column in the above table that the percentage of convictions in Victoria was much less than in the other States and New Zealand, nearly every case resulting in a conviction in the latter, and about two out of every three cases in the former. These figures seemed to denote such a comparative leniency on the part of magistrates in drunkenness cases in Victoria that the matter was

brought under the notice of the Victorian Chief Commissioner of Police, who called for a report from the police officials best qualified to judge in Melbourne and the six principal country centres. It appears from the reports received, that it is the practice at the Melbourne City Police Court to discharge a person on his first appearance, and also upon the second offence if more than twelve months have elapsed since his first appearance; and also, generally throughout the State, to discharge first offenders and those who have been arrested on a Saturday, and were necessarily detained in custody till Monday, as it is considered the latter have already been sufficiently punished. In some cases, also, when an offender has been admitted to bail after arrest, he is discharged on promising to put a donation in the poor-box. In all these cases no conviction is recorded in Victoria; but in the other States a conviction is entered on the records in nearly every case, whether any punishment is inflicted or not. The Victorian Chief Commissioner of Police, in view of the peculiarity of result disclosed in the foregoing table, showing almost cent. per cent. convictions in all States except Victoria, decided that the matter was deserving of some further investigation, and accordingly placed himself in communication with the Police Department of New South Wales, with the result that it has been ascertained that in that State, in almost every instance, the accused person is found guilty, and a fine imposed. As regards the leniency in drunkenness cases in Victoria, the Chief Commissioner states that magistrates seem to take a common-sense view of the cases which come before them; and that he sees no reason to find fault with their action. Although the percentage of convictions entered on the records in Victoria is small in comparison to the other States and New Zealand, the extent to which persons are arrested for drunkenness is not affected thereby.

A large proportion of the offences dealt with by magistrates can be properly so called, but are mere breaches of Acts of Parliament, and show no degree of criminality in the person charged. A still larger proportion consists of drunkenness and offences against good order, including vagrancy, larrikinism, &c. The number of arrests for serious crimes preliminarily investigated by magistrates in Victoria and New South Wales during 1904 was—

Serious crimes in Victoria and New South Wales.

SERIOUS CRIMES IN VICTORIA AND NEW SOUTH WALES DURING 1904.

Class of Crime.	Victoria.	New South Wales.
Murder and attempts, manslaughter, shooting, wounding, &c.	98	150
Robbery, burglary, &c.	192	391
Crimes of lust	78	112
Horse, sheep, and cattle stealing	48	127
Total	416	780

The total per 10,000 of the population was 5.41 in New South Wales, and 3.45 in Victoria. Multiple charges are excluded from the above figures, each separate arrest only being counted.

BIRTHPLACES OF ARRESTED PERSONS.

Birthplaces
of persons
arrested.

The following is a statement of the principal countries in which persons arrested during 1905 were born, and the proportion per 1,000 of the persons of such nationalities living in the State at the census of 1901:—

BIRTHPLACES OF PERSONS ARRESTED, 1905.

Birthplace.	Number.	Proportion per 1,000 living.
Victoria	12,021	13·72
Other Australian States	1,963	30·16
New Zealand	238	26·39
England and Wales	3,192	27·26
Scotland	1,357	37·96
Ireland	3,083	50·12
China	85	13·64
Other Countries	1,840	60·09
Total	23,779	19·79

As the ages of the people were not tabulated in conjunction with their birthplaces at the census, the proportion of Victorian arrests does not afford a proper comparison with the proportions indicated for other Australian States, Great Britain, and foreign countries. The Victorian born population includes a large proportion of women and children, whereas there is so small a number of children in the State born in places outside Victoria, that the arrests of persons born outside the State may be regarded almost entirely as those of adults, and mostly of adult males. If the proportion of adult males arrested in Victoria be taken, it would in all probability approximate to those of the other Australian States.

EDUCATION OF ARRESTED PERSONS.

Age and
degree of
instruction.

The ages of those arrested in 1905, and the degree of instruction possessed by them, are shown in the following table:—

AGE AND DEGREE OF INSTRUCTION OF PERSONS ARRESTED, 1905.

Ages.	Superior Education.	Read and Write Well.	Read Only, or Read and Write Imperfectly.	Unable to Read.	Total.
Under 10 years ..	..	..	46	384	430
10 to 15 ..	..	..	351	24	375
15 to 20 ..	..	8	1,029	23	1,060
20 to 25 ..	..	55	2,509	49	2,613
25 to 30 ..	2	88	2,997	79	3,166
30 to 40 ..	2	205	5,747	148	6,102
40 to 50 ..	16	157	5,248	156	5,577
50 to 60 ..	6	82	2,412	142	2,642
60 and upwards ..	4	38	1,581	191	1,814
Total ...	30	633	21,920	1,196	23,779

Three per cent. of persons arrested during 1905 were possessed of superior education, or could read and write well, as against 4 per cent. in 1900, 10 per cent. in 1890, and 26 per cent. in 1880. The returns of those under fifteen years of age arrested by the police consist mainly of neglected and deserted children. Of the 805 children under fifteen arrested during 1905, not one could read and write well; and 408, or 51 per cent., were unable to read.

Education of persons arrested.

OFFENCES HEARD BY MAGISTRATES.

Prior to 1902, information relating to various offences has been incomplete on account of there being no returns as to summons cases other than "against the person," "against property," and "other offences." As will be seen below, there is a large proportion of assaults and offences against good order initiated by summons, and the following are particulars of the different classes of offences in 1905, distinguishing between arrests and summons cases, multiple charges against the same individual being each counted as an offence:—

Arrests and summons for various offences.

ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1905.

Nature of Offence.	Number of Offences for which—		Total Offences Heard.
	Arrests were made.	Summons were issued.	
Against the Person—			
Murder and attempts, manslaughter, shooting at, &c.	75	..	75
Assaults	681	864	1,545
Others	171	141	312
Against Property—			
Robbery, burglary, &c. ..	267	..	267
Larceny and similar offences ..	2,383	432	2,815
Wilful damage to property ..	273	232	505
Others	126	319	445
Against Good Order—			
Drunkenness	14,373	85	14,458
Others	6,385	6,165	12,550
Breaches of Licensing Act ..	..	783	783
Other Offences	1,321	13,269	14,590
Total	26,055	22,290	48,345

Of the 26,055 offences for which arrests were made, 2,276 were multiple charges, leaving the number of separate arrests 23,779, of which 15,946 were summarily convicted, 7,234 were discharged, and 599 were committed for trial. Of the 22,290 summons cases, 18,188 were summarily convicted, 4,049 were discharged, and 53 were committed for trial. Of the total persons dealt with (46,069), the number summarily convicted was 34,134, 11,283 were discharged, and 652 were committed for trial.

SENTENCES PASSED.

Sentences
by magis-
trates.

During 1905 there were 15,946 sentences by magistrates in exercise of their summary jurisdiction, 12,996 of which were of males and 2,950 of females. These figures do not represent the number of distinct individuals sentenced during the year, for many of them, particularly the habitual drunkard class, were brought up and sentenced several times. Of every 1,000 males sentenced, 405 paid their fines, 449 were imprisoned for a period less than one month, 103 for a period between one and twelve months, 2 for one year or over, and 41 were sent to reformatory schools, ordered to find bail, or otherwise dealt with. Of every 1,000 females sentenced, 307 paid their fines, 501 were imprisoned under one month, 102 over one and under twelve months, and 90 were sent to the industrial or reformatory schools, ordered to find bail, or otherwise dealt with. In addition to these sentences, there were 830 cases (755 males, 75 females) in which, although the magistrates found the accused persons guilty, it was deemed inexpedient to inflict any punishment, admonition and caution being considered sufficient. In addition to the sentences of imprisonment, three prisoners were ordered one whipping.

Sentences
in superior
courts.

During 1905, 382 persons were sentenced by superior courts, of whom 22 were females. Of the 360 males, 3 were sentenced to death, 8 to periods between ten and fifteen years, 8 between seven and ten years, 28 between four and seven years, 104, or 29 per cent., between one and four years, and 174, or 48 per cent., to periods under one year; whilst 29 were required to find bail to appear when called upon, 2 sent to the Reformatory, and 4 to the Lunatic Asylum. Of the 22 females, 1 was sentenced to four years, 4 to two years, 1 to one year, 12 to under twelve months, whilst 3 were required to find bail to appear when called upon, and 1 was sent to the Lunatic Asylum. In addition to the term of imprisonment, 17 persons were ordered to be kept in solitary confinement during various portions of their terms of imprisonment, and 7 were ordered to receive one whipping each.

THE LIQUOR LICENSING LAWS.

Liquor
Licensing
Laws.

Under the *Licensing Act* 1890, dealing with the licensing of public-houses and the sale of fermented and spirituous liquors, it is provided that each licensing district shall consist of one division of an electoral district, and that every such licensing district shall be proclaimed in the *Government Gazette*. Sections 20 and 23 provide that the number of victuallers' licences issued in any one district shall not exceed one licence for each 250 inhabitants up to 1,000, and one for each subsequent 500 inhabitants. The number of inhabitants for the purpose of determining the number for such licensing district shall be taken to be five times the number of ratepayers on the rolls. Section 22 provides that there shall be no increase of licences in a district until the number shall be below the statutory number, and unless the electors shall determine that an increase shall be made. By section 27 it is enacted that if the number of licences is either above or below the statutory number, one-fifth of the electors may petition for a poll to be taken to determine whether the number

shall be reduced or increased, as the case may be, to the statutory number, but no further. If on a poll being taken the electors decide that the number of licences is to be reduced, all licensees and owners are summoned to the next available sitting of the Licensing Court, which determines the licences that are not to be renewed. Section 44 provides that the amount of compensation to be allowed to owners and occupiers of licensed premises diminished in value by the taking away of the licence shall be determined by arbitration—the owner and occupier appointing a joint arbitrator—the Minister another, and both arbitrators appointing an umpire. Under section 200 the licence-fees, fines, penalties, and forfeitures incurred under the Act, are paid to the credit of a trust fund account called the Licensing Act Fund, which is applied to the carrying out of the provisions of the Act. Should this fund be found insufficient to meet the necessary payments for compensation the amount required is to be paid from the proceeds of any duty on liquor which may be imposed hereafter, and specially appropriated by Parliament for the purpose. The first charge on the Licensing Act Fund, however, is that enacted by the next section, which provides for payment to the municipalities of a sum of money equal to the gross amount paid on account of licence-fees, fees for registration of brewers and spirit merchants, and fines, forfeitures, and penalties incurred under the Act by persons within the municipalities for the year 1884; the Under-Treasurer certifying in writing each year the amount to which each municipality is entitled. This payment is called “the equivalent of licence-fees.”

The Act further provides for the issue of licences to vigneron to sell at their own vineyards wine made from grapes of their own growing in quantities of not less than one pint, not to be drunk on the vineyard; and specifies the conditions under which licences may be issued to steam packets, companies, grocers, vendors of colonial wines, lessees of railway refreshment-rooms, and for temporary and billiard-table licences; for the payment of all licences and fees, the conditions of obtaining licences, the establishment of licensing courts, for applications for licences, for renewals, for hearing objections, for transfers, and generally for the liabilities devolving upon all licensed persons. There have been several minor amendments of the Act of 1890, and important amendments relating to the compensation to be paid in connexion with the closing of hotels under the local option provisions of the law are now under consideration. Particulars of the various kinds of licences issued under the Licensing Act are given on page 169 of this work, and the details of the fund established by section 201 of the Act will be found on page 310. There are also courts for dealing with matters relating to mining, called Wardens' Courts and Courts of Mines. The former is presided over by a Warden (who is also a Police Magistrate), and the latter by a Judge.

GAOLS AND PRISONERS.

There are nine gaols in Victoria, including the Pentridge Penal Establishment, Ararat and Portland gaols having been closed several years ago, and Maryborough recently, and the figures below show that there is still accommodation in the gaols for more than twice the

Gaols and
Prisoners.

average number of prisoners in confinement. The gaols at Sale and Castlemaine have been reduced to receiving stations for local committals with very short sentences. The following statement gives for the year 1905 the accommodation, daily average in confinement, number received during the year, and the number in confinement at the end of the year:—

GAOL ACCOMMODATION AND PRISONERS, 1905.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received.		In Confinement, 31.12.05.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Pentridge ..	800	..	496·75	..	475	..	497	..
Ballarat ..	62	18	27·65	2·20	395	57	26	3
Beechworth ..	66	15	36·71	·34	199	16	24	..
Bendigo ..	116	28	23·71	2·06	331	41	22	3
Castlemaine ..	99	..	4·91	·03	88	5	3	..
Coburg Female Prison ..	..	324	..	76·42	..	153	..	66
Geelong ..	187	29	102·77	·18	332	16	90	..
Melbourne ..	485	114	210·82	40·00	4,156	1,234	207	25
Sale ..	30	5	9·80	·09	140	4	10	..
Total ..	1,845	533	913·12	121·32	6,116	1,526	879	97

There are also seven police gaols which are used as receiving stations, but the daily average number of prisoners detained therein during 1905 was only nine.

Prisoners
in confine-
ment, 1871
to 1905—
decrease

The following is a statement of the average number of prisoners in detention in the gaols of the State at the end of decennial periods from 1871, and during the past four years, from which it will be seen that the decrease in later years is very considerable. The rate per 10,000 of population, fifteen years and over, in 1905 being 66 per cent. less than in 1871, 51 per cent. less than in 1881, and 48 per cent. less than in 1891.

PRISONERS IN CONFINEMENT, 1871 TO 1905.

Year.	Average number of Prisoners in confinement.			Per 10,000 of population, 15 years and over.
	Males.	Females.	Total.	
1871 ..	1,345	274	1,619	38·30
1881 ..	1,294	304	1,598	26·65
1891 ..	1,550	350	1,900	25·47
1901 ..	951	200	1,151	14·53
1902 ..	943	170	1,113	14·05
1903 ..	907	141	1,048	13·23
1904 ..	890	137	1,027	12·97
1905 ..	922	121	1,043	13·17

EXPENDITURE ON POLICE AND GAOLS.

In the 40½ years ended 30th June, 1905, the total amount expended in connexion with the police, and penal establishments and gaols of Victoria was £11,545,919, viz., £9,213,242 on the former, and £2,332,677 on the latter. The following table shows the amounts and the amount per head expended in connexion with the police, and penal establishments and gaols of Victoria during each of the five years ended with 1904-5:—

EXPENDITURE ON POLICE AND GAOLS, 1900-1 TO 1904-5.

Year.	Amount Expended (exclusive of the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols and Penal Establishments.	Total.	
	£	£	£	s. d.
1900-1	272,444	52,138	324,582	5 5
1901-2	271,561	51,948	323,509	5 4
1902-3	264,422	51 919	316,341	5 3
1903-4	269,647	49,226	318,873	5 3
1904-5	269,339	48,529	317,868	5 3

The expenditure is exclusive of pensions.

The following are the amounts expended on police and gaols in the Australian States and New Zealand during the year ended 31st December, 1905, in Tasmania; 31st March, 1905, in New Zealand; and 30th June, 1905, in the other States:—

Expenditure on police and gaols in Australasia.

EXPENDITURE ON POLICE AND GAOLS IN AUSTRALIAN STATES AND NEW ZEALAND, 1904-5.

State.	Amount Expended (exclusive of the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols.	Total.	
	£	£	£	s. d.
Victoria	269,339	48,529	317,868	5 3
New South Wales	435,974	93,545	529,519	7 3
Queensland	158,325	24,434	182,759	7 1
South Australia	75,037	15,085	90,122	4 10
Western Australia	123,681	31,416	155,097	12 10
Tasmania	35,431	5,345	40,776	4 6
Australia	1,097,787	218,354	1,316,141	6 7
New Zealand	128,879	42,607	171,486	4 0

No execution took place in 1905, as against one in 1904, two in 1902, one in 1900, one in 1898, one in 1897, one in 1896, two in

Executions.

1895, and five in 1894. Since the first settlement of Port Phillip, 168 criminals have been executed within the State, of whom only three were females.

Coroners'
inquests.

In 1905 the number of coroner's inquiries into the causes of deaths of individuals was 1,415, which was below the average number of the four preceding years. In 776 cases death was found to be due to disease or natural causes, in 408 cases to accident, in 140 to suicide, in 78 to external causes which could not be ascertained, in 7 to homicide, in one to intemperance, in one a verdict of "still born" was returned, whilst in 4 cases the cause of death was doubtful. Of those due to violence, 65 per cent. were due to accidental causes, 1 per cent. to homicide, 22 per cent. to suicide, while in 12 per cent. of the cases the cause or motive of the violence which caused death was doubtful. The number of inquests during the last five years was 7,301, of which 4,189 deaths were found to be due to disease or natural causes, 3,061 to violence, and 51 to other causes.